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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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12 GUSTAVO ALVAREZ,) No. CV 12-7329-RGK(CW)
13 Plaintiff,)
14 v.) ORDER ACCEPTING REPORT AND
15 DONALD S. KENNEDY, et al.,) RECOMMENDATION OF UNITED STATES
16 Defendants.) MAGISTRATE JUDGE
17 _____)

18 Pursuant to 28 U.S.C. § 636(b)(1)(C), the court has reviewed the
19 entire record in this action, as well as the Report and Recommendation
20 of the United States Magistrate Judge. The court has engaged in a de
21 novo review of those portions of the Report and Recommendation to
22 which objection has been made. The court accepts the findings and
23 recommendation of the Magistrate Judge.

24 **IT IS THEREFORE ORDERED** that the First Amended Complaint be
25 dismissed without leave to amend; and that judgment be entered
26 dismissing this action (1) with prejudice as to all defendants
27 entitled to immunity, and (2) without prejudice as to any defendants
28 not entitled to immunity and any claims which are only barred under

1 Heck v. Humphrey, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383
2 (1994), unless and until Plaintiff can show that his conviction has
3 been invalidated.

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5 DATED: April 4, 2013



7 R. GARY KLAUSNER
8 United States District Judge
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